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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,133	02/28/2002	Lon Klein	30103/00301	3618

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Fay Kaplun & Marcin, LLP  
150 Broadway  
Suite 702  
New York, NY 10038

EXAMINER
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DUONG, THANH P

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/090,133

Applicant(s)

KLEIN, LON

Examiner

Tom P. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,18,20,23-27 and 66-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,18,20,23-27 and 66-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicant's remarks and amendments filed on March 28, 2006 have been carefully considered. Claims 1, 23, and 67 have been amended. Claims 2-17, 19, 21-22, and 28-65 have been canceled. New claims 70-72 have been added. Claims 1, 18, 20, 23-27, and 66-72 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 18, 23-24, 66, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stecher '913 in view of Hardness '099. Regarding claims 1, 23-24, 66, and 71-72, Stecher discloses a putter (Fig. 2 and Col. 2, lines 43-47) comprising: a grip (11); a shaft (10) having a first end and a second end; a head (14) attached to the hosel (13), the head having a striking face (17) with center point of percussion (contact point P, Col. 2, lines 50-57), and an alignment feature (Col. 2, lines 50-57) of the putter permitting assembly of the head onto the hosel (13) only in an operable position wherein a centerline (centerline B-B) of the shaft and the striking face (17) of the head

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have at least one point (centerline B-B intersect with contact point P) in common, Stecher fails to disclose a grip having an anatomically correct shape to promote proper grasping of the putter and the handle is oriented in a selected direction when gripped and the shape including a first curve having a first radius and a second curve having a second radius, the first radius being larger than the second radius, wherein in a portion of the first curve defines an area for placement of a user's thumbs. Hardness teaches the handle 22 with substantially semi-elliptical shape having plurality of curve radius from the first end to second end of the grip 14 including the first and second curves as shown in Figures 1 and 2, and the round or curve back surface 17 of the handle snugly fit into the hands of a player and the flat surface allows the thumbs to rest on it and the flat surface is perpendicular to the striking face (page 1, lines 39-59). Thus, it would have been obvious in view of Hardness to modify the grip of Stecher with the grip configuration of Hardness to provide a player with a firm grip and facilitate the positioning and orientation of the club head. Note, the flat surface of Hardness' grip provides the same function of allowing the thumbs to rest and properly aligned the surface perpendicular to the striking face and therefore, it appears the "curve surface" of claimed invention versus the flat surface of the prior art is an obvious matter design choice. Furthermore, a change in shape is within the level of ordinary skill in the art in view of unexpected results. See *In Re Dailey*. MPEP 2144.04. Regarding claim 18, it is conventional for golf club manufacturers to fabricate the club pads with polymer material and composite material and it would have been obvious in to do so here for its structural strength, light weight construction, and eased in molding. Regarding claim

24, Stecher discloses a parallax collimating device (Col.2, lines 49-72) of the head for visually indicating to the golfer when a preferred stance is maintained.

2. Claims 20 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied references (Stecher '913 in view of Hardness '099) as applied to claims 1 and 23 above, and further in view of Karns '768 and Florian '207 and Simmons '097. Regarding claims 20 and 25, the applied references (Stecher '913 in view of Hardness '099) fail to show a first balancing weight disposed in the grip and a second balancing weight disposed in the head. Karns teaches a golf club head with weight inserted in the grip to provide proper balance in the golf club (Figs. 1 and 4, Col. 1, lines 9-25). Likewise, Florian teaches a weight 15 is added to the upper end of the handle 16 to provide a balanced putter (Col.1, lines 71-75). Simmons teaches the solid weights 40 and 41 are inserted in the putter head (Fig. 5) to reduce the incidence of gyration and reduce vibrations and provide a balanced putter (Col. 3, lines 62-67). Thus, it would have been obvious in view of Karns and/or Florian and Simmons to one having ordinary skill in the art to modify the putter head of the applied references with weight disposed in the grip portion as taught by Karns and/or Florian to provide a balanced putter head and weight disposed in the putter head as taught by Simmons in order to reduce twisting of the putter head, reduce vibrations, and provide a balanced putter head. Regarding claim 26, the modification of the putter head of the applied references in view Simmons (weights 30, 40, 41) facilitates the adjustment of the center of gravity along the three axis. Regarding claim 27, the modification of the putter head of the applied

references (Johnson '054 in view of Hardness '099) in view Simmons provides a balanced putter system.

3. Claims 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneebeli '329 in view of Schmidt et al. '688. Schneebeli discloses a putter (Figs. 1-5) comprising: a grip (Fig. 2A) having an anatomically correct shape to promote proper grasping of the putter; a shaft (14) having a first end and a second end, wherein the grip is attached to the first end of the shaft; a hosel (18) attached to second end of the shaft, a head (10) attached to the hosel, the head having a striking face (30). Schneebeli fails to show an alignment feature preventing the head from rotating relative to the hosel and the shaft, the alignment feature including a shaped portion of the hosel insertable into a complementing shape opening of the head so that the head. Schneebeli '329 shows a grip (Fig. 1 ) with plurality of radius which includes a first curve having a first radius and a second curve having a second radius, the first radius being larger than the second radius, wherein in a portion of the flat surface defines an area for placement of a user's thumbs and a plane tangential to the thumb portion is substantially perpendicular to the striking face of the head. Note, the flat surface of Schneebeli's grip provides the same function of allowing the thumbs to rest and properly aligned the surface perpendicular to the striking face and therefore, it appears the "curve surface" of claimed invention versus the flat surface of the prior art is an obvious matter design choice. Furthermore, a change in shape is within the level of ordinary skill in the art in view of unexpected results. See *In Re Dailey*. MPEP 2144.04. Schneebeli appears to show alignment

feature preventing the head from rotating relative to the hosel and the shaft as shown in Figures 4, 5, and 7. Schmidt makes it clear that a putter (Col. 1, lines 38-43) with a hosel 23 is tapered and is inserted into the oval socket 14 of the head (Figs. 1, 4 and 7-8) and such configuration provides a tighter fit for the shaft in the bore, upon axial assembly (Col. 1, lines 30-35). Thus, it would have been obvious in view of Schmidt '688 to one having ordinary skill in the art to modify golf club of Schneebeli with a hosel and its complementing shaped opening of the head as taught by Schmidt in order to provide a tighter fit for the shaft in the hosel, which improves feedback sensing to the player upon ball impact.

### ***Response to Arguments***

Applicant's arguments filed 3/28/06 have been fully considered but they are not persuasive. Applicant's argue all the applied references disclose or suggest "a grip having an anatomically correct shape to promote proper grasping of the putter, the shape including a first curve having a first radius and a second curved having a second radius defines an area for placement of a user's thumbs." Examiner respectfully disagrees. As described above, both Schneebeli '329 and Hardness '099 show a grip with plurality of radius which includes a first curve having a first radius and a second curve having a second radius, the first radius being larger than the second radius, wherein in a portion of the flat surface defines an area for placement of a user's thumbs and a plane tangential to the thumb portion is substantially perpendicular to the striking face of the head. Note, the flat surface of Schneebeli's or Hardness' grip provides the

same function of allowing the thumbs to rest and properly aligned the surface perpendicular to the striking face and therefore, it appears the "curve surface" of claimed invention versus the flat surface of the prior art is an obvious matter design choice. Furthermore, a change in shape is within the level of ordinary skill in the art in view of unexpected results. See *In Re Dailey*. MPEP 2144.04.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.



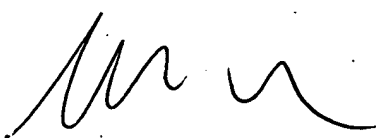
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tom Duong  
June 12, 2006

Tb



Glenn Caldarola  
Supervisory Patent Examiner  
Technology Center 1700